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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,188	08/22/2003	Louis A. Rhodes	706441US5	9080

7590 07/27/2004
Donald J. Wallace
DaimlerChrysler Intellectual Capital Corporation
CIMS 483-02-19
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Auburn Hills, MI 48326-2757

EXAMINER

GUTMAN, HILARY L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,188

Applicant(s)

RHODES ET AL.

Examiner

Hilary Gutman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/8/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings were received on 7/8/04. These drawings are acknowledged and approved by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 3-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Cannera et al.

Cannera et al. disclose a seat assembly for a motor vehicle having a floor 32, the seat assembly comprising: a tub 30 disposed at least partially in the floor; at least one rear leg 22 non-releasably secured to the floor of the vehicle, the at least one rear leg being pivotable to stow the seat assembly in the tub; a seatback 14 fixedly mounted on the at least one rear leg; and at least one front leg 20 is releasably secured to the floor of the vehicle or capable of being released from the floor.

With regard to claim 3, the at least one front leg 20 is positioned proximate a seat cushion of the seat assembly when the seat assembly is stowed in the tub.

With regard to claim 4, the seatback 14 is rigidly mounted on the at least one rear leg.

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With regard to claim 5, the seatback presents a load floor when the seat assembly is stowed in the tub.

With regard to claim 6, the load floor is generally even with the floor of the vehicle.

With regard to claim 7, the tub is disposed generally forward of the seat assembly in a use position.

For claim 8, Cannera et al. disclose a seat assembly for a motor vehicle having a tub 30 disposed at least partially in a floor 32 of the vehicle, the seat assembly comprising: at least one rear leg 22 non-releasably secured to the floor of the vehicle, the at least one rear leg being pivotable to stow the seat assembly in the tub; and at least one front leg 20 releasably secured to the floor of the vehicle in that the front leg is capable of being released from the floor.

With regard to claim 9, the at least one front leg is positioned proximate a seat cushion of the seat assembly when the seat assembly is stowed in the tub.

With regard to claim 1 and the "releasably" secured limitation, it should be noted that the front leg 20 of Cannera et al. is in fact "releasably" secured to the floor in that the front leg can be separated from the floor with the removal of pivot pin 88 and/or bar 92.

Response to Arguments

4. Applicant's arguments with respect to claims 3-9 have been considered but are moot in view of the new ground(s) of rejection.

With regard to amended claim 1, Applicant's arguments filed 7/8/04 have been fully considered but they are not persuasive. Applicant argues that the front leg of

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Cannera et al. is not releasably secured to the floor of the vehicle. The examiner disagrees and believes the front leg is indeed releasably secured to the floor of the vehicle by pivot pin 88 and/or bar 92 (which appears to be secured to the floor via bolts, Fig. 5). Furthermore, it is believed that even if these members were permanently attached that with enough force one could indeed detach the front leg from the floor.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7. Any response to this final action should be mailed to:

Box AF

Assistant Commissioner for Patents

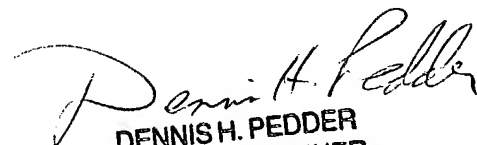
Washington, D.C. 20231

or faxed to:

(703) 872-9327, (for formal communications; please mark "EXPEDITED PROCEDURE")

or:

(703) 746-3515, (for informal or draft communications, please clearly label "PROPOSED" or "DRAFT").


DENNIS H. PEDDER
PRIMARY EXAMINER
A03612
7/26/04